IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 96 (SS) of 2007

No. 94455333 Constable Jeet Singh (Ex)
S/o Sri Hari Singh Negi,
R/o village – Asnoli,
P.O. – Khandah Patti,
Idbalsyun,
District – Pauri Garhwal. **…….Petitioner.**

Versus

1. Union of India through Secretary (Home) New Delhi.
2. Director General of Border Security Force, New Delhi.
3. Deputy Inspector General of Border Security Force, Berhampore (WB)
4. Commandant, 140 Battalion, Border Security Force, Baishnab Nagar, P.O. – Chamgram, District – Malda (West Bengal)

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Vinod Nautiyal, learned counsel for the petitioner and Sri Pradeep Joshi, learned Standing Counsel for Union of India on behalf of respondents

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. ***to issue a writ, order of direction in the nature of Certiorari to quash the dismissal order dated 07.03.2006 passed by respondent no. 3 and countersigned by respondent no. 4 on 19.05.2006***
2. ***to issue the writ, order or direction in the nature of Mandamus directing the respondents to reinstate the petitioner with full back wages.***

3. *to issue any suitable writ order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

4. *award the costs of the petition to the petitioner.*

The case of the petitioner is that he has joined Border Security Force as Constable on 24.02.1994. On 19.02.2006, when the petitioner was posted in District – Malda (West Bengal) he was charged for illegal opening of IBB Fence and allowed crossing of Cattle heads to Bangladesh after accepting illegal gratification from the cattle smugglers. After trial, dismissal order was passed by respondent no. 4 on 07.03.2006 which was counter signed by respondent no. 3 on 19.05.2006.

Aggrieved with the dismissal order, petitioner preferred appeal under section 117 (2) of BSF Act before respondent no. 2 on 05.09.2006. The appeal is still pending before respondent no. 2 though about 5 months have passed.

The petitioner has already availed statutory remedy by way of filing appeal before respondent no. 2 and the same is still pending.

In the circumstances mentioned above, I deem it fit and proper to direct the respondent no. 2 to take decision on the appeal filed by the petitioner within a period of two months from the date of production of certified copy of this order.

With this direction writ petition as well as stay application no. nil of 2007 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

February 14, 2007
SKSharma